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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,567	01/03/2002	Peter E. Nielsen	920070.408	5843
27370	7590	07/25/2005	EXAMINER	
OFFICE OF THE STAFF JUDGE ADVOCATE U.S. ARMY MEDICAL RESEARCH AND MATERIEL COMMAND ATTN: MCMR-JA (MS. ELIZABETH ARWINE) 504 SCOTT STREET FORT DETRICK, MD 21702-5012			VO, HUYEN X	
		ART UNIT		PAPER NUMBER
		2655		
DATE MAILED: 07/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/038,567	NIELSEN ET AL.
	Examiner	Art Unit
	Huyen X. Vo	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10, 19-23, and 25-26 is/are rejected.
- 7) Claim(s) 24 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 January 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Allowable Subject Matter

1. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: Ryan fails to specifically disclose the step of reviewing a list comprising a plurality of recorded standard nomenclatures; selecting one from the list of standard nomenclatures if the list includes a most relevant standard nomenclature; and inputting a new standard nomenclature associated with the recorded second set of medical criteria if the list does not include a most relevant standard nomenclature.

Response to Arguments

2. Applicant has submitted an amendment filed 3/16/2005 arguing to traverse the art rejection based on two limitations regarding “*accepting input that identifies two different names for a substantially similar grouping of medical criteria*” and “*accepting further input that specifies one or both of the two different names as a part of a standardized nomenclature for the similar grouping of criteria*” (see remarks/arguments section). Applicant's arguments have been fully considered but they are not persuasive. A medical database/dictionary has already been created in advanced by either automatically or manually entering all possible medical names/diseases/diagnosis. The entered possible medical names/diseases/diagnosis are hierarchically grouped together

(classified names into groups according to their "similarity") before for use (*this reads on the first limitation*). Now, the system of Rensimer et al. uses the hierarchically organized medical database created in advance to process patient data. As patient data are entered in to the system, the system display a number of diagnostic candidate names for the user to pick (*col. 4, line 48 to col. 5, line 16*). For reasons indicated above, examiner maintains previous grounds of rejection of claims 1-10.

3. New claims necessitate a new ground of rejection (see *claim rejection below*).

Claim Rejections - 35 USC § 112

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "substantially" in claims 1-10 is a relative term, which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Examiner eliminates the term "substantially" from interpretation of claim language. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2655

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 19-23 and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (US 5809476).

7. Regarding claims 19 and 25, Ryan discloses a method and system for standardizing nomenclatures corresponding to a medical patient, the method comprising: determining a first nomenclature based on a first set of medical criteria (col. 5, line 30 to col. 6, line 32, particularly points I to VI in that sides information and modifier information are applied and referring to example given of "femur" and "Greater Trochanter"); determining a second nomenclature based on the first set of medical criteria (col. 5, line 30 to col. 6, line 32, particularly points I to VI in that sides information and modifier information are applied and referring to example given of "femur" and "Greater Trochanter"); and designating either the first or the second nomenclature as at least part of a standard nomenclature associated with the first set of medical criteria (col. 5, line 30 to col. 6, line 32, particularly points I to VI in that sides information and modifier information are applied and in step V, redundant information is determined and removed).

8. Regarding claims 21 and 23, Ryan further discloses a method as claimed in claim 19, wherein the first nomenclature is determined by an outpatient facility and the second nomenclature is determined by an inpatient facility (*any medical facility can use*

the system of Ryan to store medical information), and wherein the first set of medical criteria includes at least one or more of clinically significant medical diagnoses, medical treatments, and medical administrative matters (col. 5, line 30 to col. 6, line 32).

9. Regarding claims 20, 22, and 26, Ryan further discloses a method and system as claimed in claims 19 and 25, respectively, further comprising: recording a second set of medical criteria corresponding to the medical patient (*referring to example given in col. 7-8, "diagnosis" is the first medical criteria and "operation" is the second medical criteria*); associating the recorded second set of medical criteria with the standard nomenclature (*both "diagnosis" and "operation" are encoded and stored in a medical database*), and wherein said associating the recorded second set of medical criteria with the standard nomenclature comprises selecting the standard nomenclature from a list comprising a plurality of recorded standard nomenclatures (*classified under standard nomenclature "Fracture" shown in tables in col. 8*).

10. Claims 1-2, 4, 6-7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Rensimer et al. (US 5845253).

11. Regarding claims 1 and 6, Rensimer et al. disclose a method and system comprising: accepting user input identifying at least two different names for a similar grouping of one or more medical criteria (*col. 4, ln. 48-67*); and accepting user input specifying at least one of the at least two different names as forming at least a part of an

outpatient-inpatient standardized nomenclature for the similar grouping of one or more medical criteria (*col. 5, ln. 1-16*).

12. Regarding claims 2 and 7, Rensimer et al. further disclose the method and system of claims 1 and 6, wherein said accepting user input identifying at least two different names for a similar grouping of one or more medical criteria comprises: accepting user input identifying at least one outpatient-facility specific name and at least one inpatient-facility specific name for the similar grouping of one or more medical criteria (*col. 5, ln. 1-16*).

13. Regarding claims 4 and 9, Rensimer et al. further disclose the method and system of claims 1 and 6, wherein said accepting user input specifying at least one of the at least two different names as forming at least a part of an outpatient-inpatient standardized nomenclature for the similar grouping of one or more medical criteria comprises: accepting user input specifying at least one inpatient-facility specific name as the outpatient-inpatient standardized nomenclature name for the similar grouping of one or more medical criteria identified by the at least one inpatient-facility specific name and at least one outpatient facility specific name (*figures 3A-B and referring to col. 4, ln. 47 to col. 5, ln. 16*).

14. Claims 3, 5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rensimer et al. (US Patent No. 5845253).

15. Regarding claims 3 and 8, Rensimer et al. further disclose the step of accepting user input identifying a diagnosis as an outpatient/inpatient-facility specific name (*figure 3B*), but fail to specifically disclose the step of identifying the name toxæmia as an outpatient-facility specific name and the name preclampsia as an inpatient-facility specific name. However, it would have been obvious to one of ordinary skill in the art at the time of invention to include both toxæmia and preclampsia in the diagnosis database of figure 3B in order to provide services to users having toxæmia and preclampsia symptoms.

16. Regarding claims 5 and 10, Rensimer et al. further disclose that accepting user input specifying a diagnoses as the outpatient-inpatient standardized nomenclature name by which one or more medical criteria identified by the names listed should be identified (*figure 3B*), but fail to specifically disclose that the names include toxæmia and preclampsia. However, it would have been obvious to one of ordinary skill in the art at the time of invention to include the names toxæmia and preclampsia in the outpatient-inpatient standardized nomenclature name in order to provide services to users having toxæmia and preclampsia symptoms.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mahran (US 6581038) disclose a method for creating a

hierarchically organized medical database that is considered pertinent to the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HXV

7/21/2005



SUSAN MCFADDEN
PRIMARY EXAMINER